This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Lawrence S. Walter
United States Bankruptcy Judge

Dated: January 12, 2016

B14-00290 SPC\sbt

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - DAYTON

IN RE:	)	CHAPTER 13
	)	
LINDSAY RENEE HOLT	)	CASE NO. 12-35399
	)	
Debtor	)	JUDGE LAWRENCE S. WALTER
	)	
	)	PROPERTY ADDRESS:
	)	** 818 Foster Street
	)	Franklin, Ohio 45005

AGREED ORDER RESOLVING DEBTORS' OBJECTION TO CLAIM OF CHRISTIANA TRUST, a DIVISION of WILMINGTON SAVINGS FUND SOCIETY, FSB, as TRUSTEE for NORMANDY MORTGAGE LOAN TRUST, SERIES 2013-13
[Re: Docket #29]

This cause came to be considered this day upon the Chapter 13 Trustee's July 28, 2015 Objection to the Notice of Mortgage Payment Change [docket #29] and the August 25, 2015

Response of CHRISTIANA TRUST, A Division of Wilmington Savings Fund Society, FSB, as Trustee for Normandy Mortgage Loan Trust, Series 2013-13, as serviced by SELENE FINANCE, LP, and hereinafter referred to as “CHRISTIANA/SELENE” [docket #32]. This matter was scheduled for hearing on December 4, 2015, but has been resolved.

It appearing to the Court that by agreement of CHRISTIANA/SELENE, the Chapter 13 Trustee, and the Debtors, as manifested by the signatures of their counsel at the end hereof, the Objection of the Trustee should be sustained to the extent set forth herein.

It further appearing to the Court that CHRISTIANA/SELENE is a creditor of this estate, secured by a mortgage upon real estate located at 818 Foster Street, Franklin, Ohio 45005.

It further appearing to the Court that at the time of the filing of this bankruptcy case on November 23, 2012, per the Proof of Claim as filed at Court Claim #3-1 on March 18, 2003, the pre-petition arrearages were $11,357.27 (consisting of delinquent payments, late charges, NSF charges, and foreclosure fees and costs). The parties agree that the Chapter 13 Trustee has been making disbursements on the arrearage claim, but it is not yet paid in full.

It further appearing to the Court that the parties agree that while there may have been an actual post-petition escrow shortage of approximately $1,860.10 accrued from December 2012 through December 2015, that amount is not recoverable, as no notices of post-petition advances or changes in the payment amounts were timely filed. The parties acknowledge that the Chapter 13 Trustee has made disbursements on the post-petition payments in accordance with the payment amount as initially asserted in the filed Proof of Claim, through and including the payment due for December 2015. The account will be internally adjusted by CHRISTIANA/SELENE to reflect a post-petition current status through December 2015, and next post-petition due for January 2016.

It further appearing to the Court that by agreement of the parties, as of January 2016, the post-petition payment amount shall increase to $613.12 (Principal and Interest of $326.80, escrow for future taxes $138.97, escrow for future insurance $121.42, and private mortgage insurance $25.93).

IT IS THEREFORE ORDERED that for purposes of the Debtor's Chapter 13 Plan, the monthly mortgage payment amount to CHRISTIANA/SELENE, beginning with the payment due for January 2016, shall be recognized in the amount of $613.12.

IT IS SO ORDERED.

Submitted and approved by:

/s/ Scott P. Ciupak
Reimer, Arnovitz, Chernek & Jeffrey
Scott P. Ciupak #0076117
Edward A. Bailey #0068073
Scott P. Ciupak #0076117
Cynthia A. Jeffrey #0062718
30455 Solon Road
Solon, Ohio 44139
440-600-5500
Fax 440-600-5521
sciupak@reimerlaw.com
Attorneys for CHRISTIANA/SELENE

/s/ Shaun D Peterson
Peterson Law Offices
Shaun D Peterson #0055467
116 North Walnut Street
Wilmington, Ohio 45177
937-382-0045
Fax 937-382-0047
petersonlaw@cinci.rr.com
Attorney for Debtor

/s/ Scott Stout, Staff Counsel
for Jeffrey M. Kellner, Trustee
131 North Ludlow Street, Suite #900
Dayton, Ohio 45402
937-222-7600
Fax 937-222-7383
ecfclerk@dayton13.com
sgstout@dayton13.com
gmunn@daytont13.com
Chapter 13 Trustee

Copies to:

Default List

Scott P. Ciupak, Esq., Attorney for CHRISTIANA/SELENE
sciupak@reimerlaw.com

Warren County Treasurer
Warren County Treasurer's Office
County Administration Building
406 Justice Drive
Lebanon, Ohio 45036

# # #